

Serial No: 09/469,792

Docket No. 111551 CIP

REMARKS

The rejection of claims 21-40 is respectfully traversed, for at least the following reasons:

- Applicant maintains that there is no teaching, suggestion or motivation to combine Albers with Murthy. The examiner has not addressed the points previously made by applicants on this issue.
- The Kalmanek reference—cited in rejecting claims 24, 25, 27, 38 and 39—is **not citable** against the claims of this application. This is a point previously made by applicants but not addressed by the examiner.
- Albers has no “gate controller” and no “gate open message.”

Not Obvious to Combine Albers with Murthy

It is respectfully submitted that the Office action does not address applicants' arguments that it would not have been obvious to combine Albers with Murthy.

The Office action (p. 11, §6) states that applicants' traversal of the rejection of claims 21-40 “is based on the ground that the surveillance receiver both monitor the call.”

That is not a correct statement of the basis of applicant's traversal. (Contrary to §6 of the Office action, applicants did not intend to imply in their remarks on p. 8 of applicants' Response of 12/14/2006 that applicants were relying on any recitation of receiving or monitoring of calls as being a basis for distinguishing the invention. The reference to “receive/monitor the call” in the statement, namely...

...applicants' claims recite that the way that the second (e.g., receiving) party and the surveillance receiver both receive/monitor the call is via the mechanism of “multicasting packets.”

was clearly only as a lead-up to the point that the claims recite “multicasting packets.”)

Serial No: 09/469,792

Docket No. 111551 CIP

In any event, the main point at issue in this case—and the focus of applicants' prior arguments—centers not around what the Office action asserts in §6 but, rather, centers around the obviousness of combining Albers and Murthy. In particular,

- Applicants and the examiner agree that Albers does not utilize any multicasting technique.
- Applicants and the examiner agree that Murthy teaches multicasting.
- Applicants and the examiner disagree on whether it would have been obvious to modify Albers to include a multicasting technique as taught by Murthy.

Applicants pointed out in their remarks of 12/14/2006 a number of reasons why it would not have been obvious to make the asserted Albers/Murthy combination. That is the basis for applicants' traversal of the obviousness rejection, and the Office action does not address applicants' remarks in that regard. That is to say, the Office action does not address any of the reasons pointed out by applicants as to why it would not have been obvious to make the asserted Albers/Murthy combination.

It is respectfully submitted that applicants are entitled to have their arguments in this regard considered and responded to.

For the examiner's convenience, the points previously made are re-presented as follows:

The Examiner has stated that there was a motivation to put Murthy's teachings of multicasting into Albers because using multicasting packets "provides lawfully authorized electronic surveillance service in a public switched telephone system." (Office action, p. 6)

However, Albers does not need any teachings from Murthy to provide "lawfully authorized electronic surveillance service in a public switched telephone system."

Albers already provides "lawfully authorized electronic surveillance service in a public switched telephone system." That is, nothing needs to be added to, or changed in, Albers in order for Albers to provide "lawfully authorized electronic surveillance service in a public switched telephone system." Therefore the Office action's stated motivation for combining teachings from Murthy into Albers is not supportable. Stated

Serial No: 09/469,792

Docket No. 111551 CIP

yet another way, the Office action has not identified any particular problem or aspect of Albers that would motivate the person of ordinary skill to modify the Albers system, given that the Albers system already provides an electronic surveillance service and thus does not need to incorporate any teachings from Murthy in order to achieve this.

In short, the Office action does not provide a valid reason why it would have been obvious to modify Albers to use a multicasting approach.

Moreover, given the fact that Albers is a time-division-multiplexed, circuit-switched system and Murthy is a packet system, it would require a complete transformation of Albers into a packet system in order to introduce in Albers any packet-related technique or circuitry, such as Murthy's bridge. Even if—and it is a big if—this is something the person of ordinary skill would be *able* to do, it is not something the person of ordinary skill would have been *motivated* to do, given that the entire system would have to be changed.

And even if the person of ordinary skill were motivated to re-architect the Albers network into a packet network, there would still be no motivation to implement surveillance using the claimed multicasting approach. Albers uses a *serial call* forwarding approach rather than a *multicasting* approach and the examiner has not advanced any reason why the person skilled in the art would find there to be any problem with Albers' serial call forwarding approach. Indeed, Albers seems to work "just fine" and thus there is no motivation in the prior art to change it to any kind of multicasting arrangement.

All of these are reasons why the asserted combination of Albers and Murthy is not a proper one. That is, the above reasons show why the person skilled in the art would not have been motivated to combine Albers with Murthy in the manner asserted in the Office action (even if he knew how to).

It is respectfully submitted that applicants are entitled to have the Examiner address the arguments previously presented by applicants—and repeated above—and, if the Examiner does not believe them to be valid, to provide an indication as to why.

Absent a reason why applicants are wrong in their view that it would not have been obvious to combine Albers and Murthy, it is respectfully submitted that the rejection under §103 cannot be maintained and all of the claims are allowable.

Serial No: 09/469,792

Docket No. 111551 CIP

Kalmanek Not Citable Against the Claims of this Application

The examiner continues to cite Kalmanek 6,757,290 in rejecting certain claims (24, 25, 27, 38 and 39). Applicants pointed out in their Response of 12/14/2006 that Kalmanek is not citable against this application because the inventors of the cited Kalmanek patent are the same as the inventors of this application. See applicants' remarks at pp. 10-11 of the Response of 12/14/2006. If the examiner believes that Kalmanek is citable against this application, an explanation is respectfully requested.

This is a further basis—in addition to the points made above relative to the non-obviousness of the Albers/Murthy combination—as to why claims 24, 25, 27, 38 and 39 are allowable.

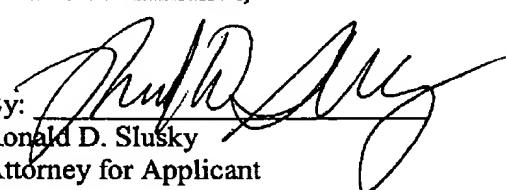
Gate Controller and Open Message

The Examiner has not addressed applicants' arguments on this point showing and explaining why no Albers cannot be said to have a "gate controller" and why no messages in Albers can be said to "gate open" messages.

It is respectfully submitted that applicants are entitled to a substantive response to applicants' arguments rather than merely a re-citation of passages in Albers that say nothing about gates, gate controllers or gate openings.

In view of the foregoing, it is submitted that the claims in the application are all allowable and reconsideration is requested.

Respectfully,
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